



PATENT  
Customer No. 22,852  
Attorney Docket No. 01035.0038-15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Robert M. ABRAMS et al. ) Group Art Unit: 1742  
Application No.: 10/688,401 ) Examiner: G. Wyszomierski  
Filed: October 16, 2003 )  
For: SUPERELASTIC GUIDING MEMBER ) Confirmation No.: 1256

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, ADVANCED CARDIOVASCULAR SYSTEMS, duly organized under the laws of California and having its principal place of business at 3200 Lakeside Drive, MS-314 Santa Clara, California 95054-2807, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/688,401, by virtue of an assignment from the inventors of the parent U.S. Patent No. 5,341,818, which issued from U.S. Patent Application Serial No. 07/994,697, filed December 22, 1992 for GUIDEWIRE WITH SUPERELASTIC DISTAL PORTION in the names of Robert M. Abrams; Randy S. Chan; Janet W. Burpee; and Clifford Teoh, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6456, Frame 0379 on December 22, 1992.

Assignee, ADVANCED CARDIOVASCULAR SYSTEMS, further represents that it is the assignee of the entire right, title and interest in and to:

1) U.S. Patent No. 5,341,818, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6456, Frame 0379 on December 22, 1992;

2) U.S. Patent No. 5,411,476 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 5555, Frame 0762 on December 18, 1990;

3) U.S. Patent No. 6,280,539 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 010554, Frame 0940 on February 7, 2000;

4) U.S. Patent No. 6,461,453 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6908, Frame 0700 on March 11, 1994;

5) U.S. Patent No. 6,638,372 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6908, Frame 0700 on March 11, 1994; and

6) U.S. Patent No. 6,682,608 as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6908, Frame 0700 on March 11, 1994.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent Nos. 5,341,818; 5,411,476; 6,280,539; 6,461,453; 6,638,372; and 6,682,608. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any of the prior patents, as presently shortened by any terminal disclaimer, in the event that any of the prior patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under

37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 29, 2005

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